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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,700	08/11/2003	Benjamin J. Olechnowicz	22188/06542	1699

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EXAMINER

NICHOLSON, ERIC K

ART UNIT PAPER NUMBER

3679

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/604,700	Applicant(s) OLECHNOWICZ ET AL.	
	Examiner Eric K Nicholson	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1-28-2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-24 and 26-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26,27,38 and 39 is/are allowed.
- 6) ☒ Claim(s) 21-24 and 32-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 28, 2005 has been entered.

Claim Rejections – 35 USC § 112

Claim 32 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 32, line 1, “The gland” lacks proper antecedent basis.

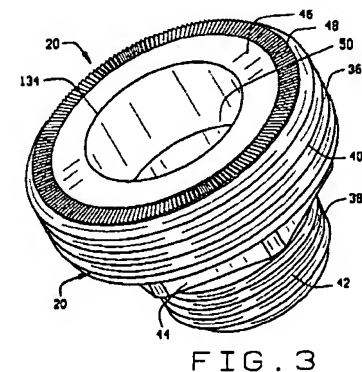
Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 40 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 6,471,255 to Ulrich. The Ulrich device illustrates the present invention with a coupling having a first and second generally tubular members 21,23 each having a sealing end face, a raised annular sealing bead 46 located on the sealing end face and an inner bore 50. A friction surface 48 located radially outward of the raised annular sealing bead. The sealing bead forms a sealing surface and the frictional surface forms an anti-rotation surface. See column 4, lines 20-27. The sealing surface and the anti-friction surface are generally coplanar as shown in figure 3. A sealing gasket 18 (fig. 2) is captured between the sealing beads for sealing the coupling.



Claims 32-34 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 4,254,973 to Benjamin. The Benjamin device illustrates the present invention with a gland "B" having a sealing end face, a raised annular sealing bead 50 located on the sealing end face and an inner bore 19. A friction surface 40 (see fig. 3) located radially outward of the raised annular sealing bead 50. The sealing bead forms a sealing surface and the frictional surface inherently forms an anti-rotation surface for the sealing gasket "S", see column 5, lines 50-55. The sealing surface and the anti-friction surface are generally coplanar as shown in figure 3 and noted in column 8, lines 5-10. As to claims 33 and 34 see column 7, lines 30-35.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-24 and 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,145,219 to Babuder in view of U.S. patent 4,254,973 to Benjamin. Babuder discloses the claimed device with first and second tubular members 12,14 each having a sealing end face with a raised annular bead 30,44, an inner bore 22,40 wherein the sealing faces of the two members face each other (see fig. 4). A sealing gasket 60 is captured between the sealing beads for sealing the coupling tubular members. The gasket contacts surfaces 24 and 42 which are co-planer and radially outward of the sealing bead. As disclosed in column 6, lines 20-30 the surfaces 24 and 42 may include frictional surfaces in the form of knurling or roughening to prevent relative rotation between the tubular members and the sealing gasket. However anti-rotational surfaces and sealing surfaces of Babuder do not extend co-planer. The Benjamin discloses in figure 3 and noted in column 8, lines 5-10 that the sealing bead 50 and the anti-rotation surface extend generally coplanar. Further it is noted that in paragraph 24 of the present invention that the dimensioning of the anti-rotation surface relative to the sealing beads is "not, however, critical". It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the anti-rotation surfaces 24,42 of Babuder to be coplanar with the sealing beads 30,44

such as taught by Benjamin in order to ensure proper sealing of the coupling for the two tubular members by allowing positive engagement and suitable frictional lock of the gasket on the sealing end face of the pipes due to compressibility gasket between the knurled surfaces.

Allowable Subject Matter

Claims 26,27,38 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

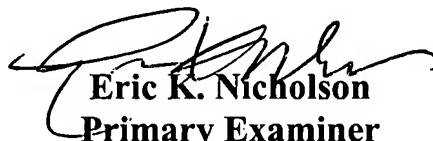
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Nicholson whose telephone number is (571) 272-7086. The examiner can normally be reached on Tuesdays thru Fridays from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (571) 272-7087. The fax phone number for Technology Center 3600 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

ekn
4/20/05


Eric K. Nicholson
Primary Examiner
Technology Center 3600